



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable John Cornyn  
United States Senate  
Washington, D.C. 20510

Dear Senator Cornyn:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

The EPA appreciates your concern regarding the burden these reporting requirements may pose and the uncertainty for farms and ranches as a result of the Court's decision vacating the final rule. The EPA is evaluating alternative approaches that could address these issues while protecting the integrity and capabilities of the response communities.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at Janifer.pamela@epa.gov or (202) 564-6969.

Sincerely,

A handwritten signature in black ink, appearing to read "B. N. Breen", followed by a long horizontal line extending to the right.

Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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EMERGENCY RESPONSE  
NOW THE  
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EMERGENCY MANAGEMENT

The Honorable Tom Cotton  
United States Senate  
Washington, D.C. 20510

Dear Senator Cotton:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
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The Honorable Roy Blunt  
United States Senate  
Washington, D.C. 20510

Dear Senator Blunt:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
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The Honorable John Barrasso  
United States Senate  
Washington, D.C. 20510

Dear Senator Barrasso:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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The Honorable Ted Cruz  
United States Senate  
Washington, D.C. 20510

Dear Senator Cruz:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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The Honorable Michael D. Crapo  
United States Senate  
Washington, D.C. 20510

Dear Senator Crapo:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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The Honorable John Boozman  
United States Senate  
Washington, D.C. 20510

Dear Senator Boozman:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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The Honorable Joni Ernst  
United States Senate  
Washington, D.C. 20510

Dear Senator Ernst:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Acting Assistant Administrator







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The Honorable Mike Enzi  
United States Senate  
Washington, D.C. 20510

Dear Senator Enzi:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





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The Honorable Jerry Moran  
United States Senate  
Washington, D.C. 20510

Dear Senator Moran:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





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WASHINGTON, D.C. 20460

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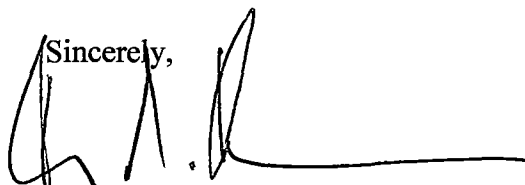
The Honorable Cory Gardner  
United States Senate  
Washington, D.C. 20510

Dear Senator Gardner:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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The Honorable Michael Rounds  
United States Senate  
Washington, D.C. 20510

Dear Senator Rounds:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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The Honorable Deb Fischer  
United States Senate  
Washington, D.C. 20510

Dear Senator Fischer:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





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WASHINGTON, D.C. 20460

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The Honorable Charles E. Grassley  
United States Senate  
Washington, D.C. 20510

Dear Senator Grassley:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





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The Honorable Johnny Isakson  
United States Senate  
Washington, D.C. 20510

Dear Senator Isakson:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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The Honorable Rand Paul  
United States Senate  
Washington, D.C. 20510

Dear Senator Paul:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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The Honorable Pat Roberts  
United States Senate  
Washington, D.C. 20510

Dear Senator Roberts:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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The Honorable Ben Sasse  
United States Senate  
Washington, D.C. 20510

Dear Senator Sasse:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

The EPA appreciates your concern regarding the burden these reporting requirements may pose and the uncertainty for farms and ranches as a result of the Court's decision vacating the final rule. The EPA is evaluating alternative approaches that could address these issues while protecting the integrity and capabilities of the response communities.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Pamela Janifer in the EPA's Office of Congressional and Intergovernmental Relations at [Janifer.pamela@epa.gov](mailto:Janifer.pamela@epa.gov) or (202) 564-6969.

Sincerely,

A handwritten signature in black ink, appearing to read "B. N. Breen", is written over a horizontal line. Below the signature, the name "Barry N. Breen" and title "Acting Assistant Administrator" are printed.

Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Richard C. Shelby  
United States Senate  
Washington, D.C. 20510

Dear Senator Shelby:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Sincerely,

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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable John Thune  
United States Senate  
Washington, D.C. 20510

Dear Senator Thune:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator







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WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Roger Wicker  
United States Senate  
Washington, D.C. 20510

Dear Senator Wicker:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Mike Lee  
United States Senate  
Washington, D.C. 20510

Dear Senator Lee:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Luther Strange  
United States Senate  
Washington, D.C. 20510

Dear Senator Strange:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
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EMERGENCY MANAGEMENT

The Honorable Thom Tillis  
United States Senate  
Washington, D.C. 20510

Dear Senator Tillis:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Acting Assistant Administrator







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AUG 15 2017

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NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Todd Young  
United States Senate  
Washington, D.C. 20510

Dear Senator Young:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Acting Assistant Administrator





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WASHINGTON, D.C. 20460

AUG 15 2017

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The Honorable James E. Risch  
United States Senate  
Washington, D.C. 20510

Dear Senator Risch:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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NOW THE  
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The Honorable Rob Portman  
United States Senate  
Washington, D.C. 20510

Dear Senator Portman:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Barry N. Breen  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 15 2017

OFFICE OF  
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OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

The Honorable Orrin G. Hatch  
United States Senate  
Washington, D.C. 20510

Dear Senator Hatch:

Thank you for your letter of May 25, 2017, to the U.S. Environmental Protection Agency Administrator Scott Pruitt, regarding the recent D.C. Circuit Court decision in *Waterkeeper v. EPA* vacating the December 18, 2008, final rule, *CERCLA/EPCRA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms* (73 FR 76948). The EPA's rule provided an exemption from reporting releases of hazardous substances into the air from animal waste at farms under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 103 and for all but large concentrated animal feeding operations under the Emergency Planning and Community Right-to-Know Act Section 304.

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Acting Assistant Administrator

